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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,676	02/17/2000	David E. Kronk	FLO1372-026	6566
4955	7590	09/08/2004	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			WON, MICHAEL YOUNG	
			ART UNIT	PAPER NUMBER
			2155	
DATE MAILED: 09/08/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/506,676

Applicant(s)

KRONK, DAVID E.

Examiner

Michael Y Won

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 21, 26, and 29 have been amended and claims 21-31 have been re-examined.
2. Claims 21-31 are pending with this action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 21-26 and 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (US 6192282 B1).

As per claims 21 and 29, Smith teaches a system (see abstract) and a method (see col.2, lines 47-49) for controlling a plurality of outdoor environmental maintenance equipment (see Fig.1 and col.10, lines 30-35) having different user interfaces based on an open client-server architecture (see col.2, lines 62-65) for golf courses, ski resorts, other outdoor recreational areas or for any application involving and managing of an outdoor environment (see Fig.1, #19: "outside air, weather station", #21: "outdoor lights", #23: "sprinklers, pool", #25: "outdoor a/v"), comprising: at least one client or user interface for providing messages for controlling the plurality of outdoor environmental maintenance equipment, receiving responses containing information about the plurality of environmental maintenance equipment (see col.3, lines 51-57); at least one client or user interface messaging control, each associated with a respective one of the at least one client or user interface (see col.3, lines 54-57; col.44, lines 48-53; and Fig.2B, #13); interface control servers, each for controlling a respective one of the plurality of outdoor environmental maintenance equipment (see col.46, lines 18-46); and interface control server messaging controls, each associated with a respective one of the interface control servers (see col.3, lines 14-17 and Fig.1, #13), the interface control server messaging controls and the at least one client or user interface messaging control exchanging messages and communicating with each other (see col.3, lines 51-60 and col.15, line 64 to col.16, line 12) using a common messaging control

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protocol for controlling the plurality of outdoor environmental maintenance equipment (see col.64, lines 1-5), each messaging control being usable for communication with at least two or more other messaging controls in the system (see col.10, lines 8-9; col.13, lines 20-22; col.14, lines 6-9; and col.15, lines 14-20 & 48-50).

As per claims 22 and 30, Smith further teaches wherein the common messaging control protocol is transmission control protocol/Internet protocol (TCP/IP) (see col.20, lines 35-44).

As per claims 23 and 31, Smith further teaches wherein the common messaging control protocol is text messaging (see col.12, lines 42-51 and col.48, lines 29-32).

As per claim 24, Smith further teaches wherein each interface control servers communicate with a respective interface control server messaging control using interprocessing (see col.3, line 65) calls/events (see col.4, lines 3-11; col.5, lines 13-20 col.16, lines 15-26 & 24-26; and 45, lines 56-59).

As per claim 25, Smith further teaches wherein the at least one client or user interface, the at least one client or user interface messaging control, the interface control servers, interface control server messaging controls, or a combination thereof, form part of different domains including either a personal computer (PC), a local area network (LAN), the world wide web (WWW), or a combination thereof (see col.20, lines 45-54 and Fig.2A to Fig.3).

As per claim 26, Smith further teaches wherein the plurality of outdoor environmental maintenance equipment includes an irrigation system, a pump station, a

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weather station or other environmental maintenance equipment (see Fig.1; col.10, lines 30-35; and col.18, lines 10-21).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US 6192282 B1) in view of Gray et al. (US 5568402 A).

As per claim 27, Smith does not explicitly teach wherein the client or user interface includes a system control and data acquisition (SCADA) having a messaging control arranged therein. Gray teaches of client or user interface includes a system control and data acquisition (SCADA) having a messaging control arranged therein (see). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Gray within the system of Smith by implementing (SCADA) having a messaging control arranged therein within a system for controlling a plurality of environmental maintenance equipment based on an open

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client-server architecture because Smith teaches that the invention may be implemented in "a centralized processing environment or a distributed processing environment" (see Smith: col.2, lines 50-51) and Gray teaches that "In a SCADA system, data respectively gathered by a plurality of remote stations is supplied to a master station and supervisory control is performed on the basis of this data" (see Gray: col.1, lines 13-19). Therefore, since Smith teaches that in a distributed system, the automated subsystems are under the control of a local controller and a central controller (see Smith: col.44, lines 48-53), one of ordinary skill in the art would implement SCADA.

As per claim 28, Smith does not explicitly teach wherein the client or user interface includes one or more site managers, each having a messaging control arranged therein. Gray teaches of wherein the client or user interface includes one or more site managers, each having a messaging control arranged therein (see). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Gray within the system of Smith by implementing site managers, each having a messaging control arranged therein within a system for controlling a plurality of environmental maintenance equipment based on an open client-server architecture because Gray teaches that site manager within a local device "controls the starting and maintaining the transfer of data within the communications channel by the channel drivers" (see Gray: col.3, lines 54-56) and Smith teaches that his system employs plurality of channels in which "one or more communication



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channels must be selected to serve as "buses" to allow communication between the automated subsystems (see col.44, lines 48-51), therefore one of ordinary skill in the art would employ site managers for controlling communication of messages.

### ***Response to Arguments***

5. In response to applicant's arguments, the recitation "for golf courses, ski resorts, other outdoor recreational areas or for any application involving and managing of an outdoor environment" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Furthermore, it is evident by the reference locations provided that Smith's system can be employed in both indoors and outdoors.

Clearly, Smith teaches of each messaging control that is able to communicate with two or more other messaging controls in the system (see Fig.1, #11 and reference locations provided in claim 21 rejection above).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 6AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Y. Won



September 2, 2004



HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER